

MINUTES OF SEA CLIFF VILLAGE BOARD
July 1, 2013

The meeting of the Incorporated Village of Sea Cliff was held on Monday, July 1, 2013, at 7:30 p.m. at Village Hall to discuss various Village matters.

Present: Bruce Kennedy, Mayor
 Carol Vogt, Village Trustee
 Peter Hayes, Village Trustee
 Thomas Powell, Village Trustee
 Brian Stolar, Village Attorney
 Marianne Lennon, Village Clerk
 John Mirando, Village Administrator
 Drew Lawrence, Superintendent of Buildings

Absent: Edward Lieberman, Village Trustee

On a motion by Mayor Kennedy, seconded by Trustee Powell and unanimously approved by those present, the minutes of June 10, 2013 were approved as amended.

On a motion by Trustee Hayes, seconded by Trustee Vogt and unanimously approved by those present, Abstract No. 2344 in the amount of \$136,487.24 was approved.

Mayor Kennedy appointed the following persons to the position of Sailing Club member for the balance of the Village year:

Joe Roman, Gary Wagner, Richard Johnson, Lisa Duffy, Henry Doering, Garry Schmidt, Caleb Davison and Asher Werz.

Trustee Vogt moved that these appointments made by the Mayor be approved, seconded by Trustee Hayes and unanimously carried by those present.

The Board discussed the request by the North Shore Lacrosse Club to use Memorial Park for a fundraising event in September. The Mayor determined that the request would be denied and the applicant would be notified of the denial as provided in the Village Code.

The Board discussed a request by Mr. Lindgren for relief from a Notice & Direction to Remedy relating to outside storage of a commercial vehicle. The Board concurred with the determination of the building department and deferred to the building department for interpretation and enforcement.

A motion by Trustee Hayes, authorizing the Deputy Mayor to sign an agreement with LICADD was adopted with three votes in favor and Mayor Kennedy abstaining.

Mayor Kennedy offered the following resolutions for adoption:

RESOLUTION NO. 49, YEAR 2013

RESOLVED, that the 2012-2013 Sea Cliff Village Budget, Library Fund accounts be modified by debits or credits in those accounts and those amounts as listed on the schedule dated July 1, 2013, which is affixed to the Minutes of this meeting, for a total amount of \$74,234.94; and be it further,

RESOLVED, that the Village Treasurer be and she hereby is directed and authorized to make such modifications to the 2012-2013 Budget as effectuated by this resolution.

Trustee Hayes moved the resolution, seconded by Trustee Vogt.

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The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trustee Vogt	voting	aye
Trustee Powell	voting	aye
Trustee Hayes	voting	aye
Mayor Kennedy	voting	aye

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 50, YEAR 2013

ALTERNATIVE NOTICE OF CLAIM PROCEDURE

WHEREAS, the New York State Legislature has adopted, and the Governor has signed into law, the Uniform Notice of Claim Act (the "Act"), to take effect June 15, 2013; and

WHEREAS, the Act provides for an alternative that permits notices of claim against cities and villages to be served on the New York Secretary of State as agent for cities and villages; and

WHEREAS, the Act provides that individuals who serve a notice of claim on the New York Secretary of State pursuant to the Act shall be charged a service fee; and

WHEREAS, pursuant to the Act, a city or village is entitled to a portion of that service fee; and

WHEREAS, pursuant to the Act, a city or village is required to submit to the Secretary of State no later than July 15, 2013, a certificate that (a) indicates that the municipality has designated the New York Secretary of State as the agent for service of notices of claim for the municipality, (b) provides the name and address of an officer, person, or designee, nominee or other agent-in-fact to which the Secretary of State will forward any notices of claim, and (c) provides the applicable time limit for filing a notice of claim on the municipality; and

WHEREAS, a municipality that fails to timely file such certification with the Secretary of State forfeits the right to receive its proportionate share of the service fee;

NOW, THEREFORE, it is resolved, that the Board:

1. Designates the New York Secretary of State as the Village's agent for the service of notices of claim that are required to be served upon the Village as a condition precedent to the commencement of an action or proceeding and authorizes the Secretary of State to accept such service upon the terms and conditions set forth in the applicable provisions of the New York State General Municipal Law;
2. Designates the Village Clerk as agent-in-fact for the transmittal of notices of claim served upon the New York Secretary of State;
3. Directs the Village Clerk to file with Secretary of State no later than July 15, 2013, a certificate indicating that the Village has designated the Secretary of State as an agent for service of notices of claim for the municipality and the Village Clerk as the agent-in-fact to which the Secretary of State will forward any such notices of claim and that the applicable time limit for filing a notice of claim on the Village is 90 days as provided by General Municipal Law §50-e. Said certificate shall include the name and address of the Village Clerk as agent-in-fact and all other information as may be required to be submitted on such certificate by the Secretary of State.

On a motion by Trustee Vogt, seconded by Trustee Hayes and unanimously approved by those present, the resolution was hereby adopted.

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RESOLUTION NO. 51, YEAR 2013

RESOLVED, that upon receipt of an executed Stipulation of Settlement from the attorney for the following property owner confirming the settlement listed below, that the following tax certiorari proceeding be settled as indicated below, and that the Law Office of Richard Siegel, acting as Village Attorney in this proceeding, be and it hereby is authorized to execute a Stipulation of Settlement and other documents as required to effect the settlement in accordance with the following schedule:

North Shore Country Club 2010/11 to 2013/14 Total Refund Payment - \$36,900.00
Sec. 21, Block M, Lot 28-D, new assessed value – 6,241,640.00
Sec. 21, Block M-04, Lot 563, new assessed value – 8,360.00

and, be it further

RESOLVED, that the Village Treasurer be and she hereby is authorized and directed to pay the refund amount indicated in accordance with the Stipulation of Settlement and Court Order; **and, be it further**

RESOLVED, that upon receipt of an executed Stipulation of Settlement and Order of the Nassau County Supreme Court, the Village Assessor be and he hereby is authorized and directed to reduce and set the assessed value of the above property for the 2014/15 and 2015/16 Tax Years in accordance with the above schedule and the Stipulation of Settlement.

On a motion by Trustee Powell, seconded by Trustee Hayes and unanimously approved by those present, the resolution was hereby adopted.

On a motion by Mayor Kennedy, seconded by Trustee Hayes, the Board went into Executive Session at 10:45pm to discuss pending litigation issues.

On a motion by Mayor Kennedy, seconded by Trustee Powell and unanimously approved by those present, the Board came out of Executive Session at 10:55pm.

On a motion by Trustee Hayes, seconded by Trustee Vogt and unanimously approved by those present, the Mayor was authorized to execute the Stipulation of Discontinuance with prejudice on behalf of the Village and the Zoning Board of Appeals in connection with litigation relating to 404 Littleworth Lane and Bryant Avenue.

Meeting adjourned at 11:00 p.m.

Marianne Lennon
Village Clerk